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Corporation Counsel

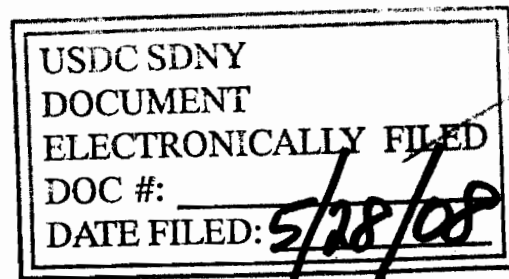
THE CITY OF NEW YORK  
**LAW DEPARTMENT**  
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May 27, 2008

**BY FAX**

Honorable Gerard E. Lynch  
United States District Judge  
United States Courthouse  
Southern District of New York  
500 Pearl Street, Room 910  
New York, New York 10007



Re: Edward Jones v. City, et al.  
08 CV 4006 (GEL)

Your Honor:

I am an Assistant Corporation Counsel in the Special Federal Litigation Division of the New York City Law Department and the attorney assigned to represent defendant City of New York, in this matter. I write to respectfully request an enlargement of time from May 28, 2008, until July 28, 2008, for the defendant to answer or otherwise respond to the complaint. Plaintiff's counsel consents to this application.

In the complaint, plaintiff alleges, *inter alia*, that, as a result of an arrest on February 21, 2007, he was subjected to false arrest and excessive force by officers of the New York City Police Department.

There are several reasons for seeking an enlargement of time. First, in accordance with this office's obligations under Rule 11 of the Federal Rules of Civil Procedure, we need this additional time to investigate the allegations of the complaint. Therefore, this office will be forwarding to plaintiff for execution a release for his medical records. Additionally, this office will be forwarding to plaintiffs for execution a consent to the designation of the Corporation Counsel as plaintiffs' agent for release of records sealed pursuant to New York Criminal Procedure Law § 160.50. Pursuant to that statute, all official records concerning plaintiff's arrest and/or prosecution, including police records, are sealed. Defendant cannot obtain these records without the designation and the medical release, and without these records, defendant cannot properly assess this case or response to the complaint.

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The extension will allow time for plaintiff to identify and serve any additional defendants. The extension will also allow this office to confirm the validity of the purported service, and to determine, pursuant to Section 50-k of the New York General Municipal Law, and based on a review of the facts of the case, whether we may represent these officers. See Mercurio v. The City of New York, et al., 758 F.2d 862, 864-65 (2d Cir. 1985) (quoting Williams v. City of New York, et al., 64 N.Y.2d 800, 486 N.Y.S.2d 918 (1985) (decision whether to represent individual defendants is made by the Corporation Counsel as set forth in state law)).

No previous request for an extension has been made. Accordingly, we respectfully request that defendant's time to answer or otherwise respond to the complaint be extended to July 28, 2008. ]\*

Thank you for your consideration of this request.


Respectfully submitted,



Bree N. Fett (BF9416)  
Assistant Corporation Counsel

cc: Tracie A. Sundack, Esq., (By Fax)

\*SO ORDERED

  
GERARD E. LYNCH, U.S.D.J.

5/27/08